

SHB 1717 - H AMD 132

By Representative Fitzgibbon

WITHDRAWN 03/08/2013

1 On page 3, line 14, after "(1)" insert "Latecomer fee" means a
2 charge collected by a municipality, whether separately stated or as
3 part of a connection fee for providing access to a municipal system,
4 against a real property owner who connects to or uses a water or sewer
5 facility subject to a contract created under RCW 35.91.020.

6 (2)"

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8 Renumber the remaining subsection consecutively and correct any
9 internal references accordingly.

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11 On page 4, line 6, after "expense." insert "The owner must submit
12 a request for a contract to the municipality prior to approval of the
13 water or sewer facility by the municipality."

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15 On page 4, beginning on line 19, after "standards." strike all
16 material through "extension" on line 21 and insert "Unless the
17 municipality provides written notice to the owner of its intent to
18 request a comprehensive plan approval, the owner must request a
19 comprehensive plan approval for a water or sewer facility, if
20 required, and connection of the water or sewer facility"

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22 On page 4, line 23, after "the" strike "extension" and insert
23 "water or sewer facility"

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25 On page 4, line 25, after "of the" strike "extension" and insert
26 "water or sewer facility"

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1 On page 4, line 26, after "of the" strike "extension" and insert
2 "water or sewer facility"

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4 On page 4, at the beginning of line 28, strike "extension" and
5 insert "water or sewer facility"

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7 On page 4, line 29, after "(iv)" strike all material through "(v)"
8 on line 31

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10 Renumber the remaining subsections consecutively and correct any
11 internal references accordingly.

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13 On page 4, line 34, after "of the" strike "extension" and insert
14 "water or sewer facility"

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16 On page 4, line 36, after "the" strike "extension" and insert
17 "water or sewer facility"

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19 On page 5, line 2, after "the" strike "extension" and insert
20 "water or sewer facility"

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22 On page 5, line 21, after "for the" insert "pro rata"

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24 On page 5, line 27, after "from" strike "connection charges" and
25 insert "latecomer fees"

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27 On page 5, line 33, after "authorized" strike "under this chapter
28 (" and insert "~~((under this chapter~~"

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30 On page 5, line 36, after "~~agreement))~~" insert "in accordance with
31 subsection (7) of this section"

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33 On page 5, line 37, after "the" strike "collection of" and insert
34 "~~((collection of))~~ municipality from collecting"

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On page 6, line 25 after "the" strike "contracting" and insert "~~(contracting)~~"

On page 7, line 8, after "Within" strike "ninety" and insert "one hundred twenty"

On page 7, after line 14, insert the following:

"(9) Nothing in this section is intended to create a private right of action for damages against a municipality for failing to comply with the requirements of this section. A municipality, its officials, employees, or agents may not be held liable for failure to collect a latecomer fee unless the failure was willful or intentional. Failure of a municipality to comply with the requirements of this section does not relieve a municipality of any future requirement to comply with this section."

EFFECT: (1) Establishes a definition of "latecomer fee." (2) Requires a property owner to submit a request for a water or sewer facility contract with a municipality to the municipality prior to approval of the facility by the municipality. (3) Removes provisions requiring the municipality to request a comprehensive plan approval for an extension, if required, and adds a provision specifying that unless the municipality provides written notice to the owner of its intent to request a comprehensive plan approval, the owner must request a comprehensive plan approval for a water or sewer facility, if required. (4) Changes references to "extension" to "water or sewer facility." (5) Deletes criteria for the conditioning of a connection to a water or sewer facility that called for payment of all required connection charges to the municipality. (6) Specifies that reimbursements to qualifying owners for water or sewer facility improvement or construction costs are pro rata reimbursements. (7) Changes a reference to "connection charges" to "latecomer fees." (8) Modifies provisions governing reimbursement limitations from property owners by linking the limitations to performance contracts. (9) Specifies that a provision authorizing the collection of amounts for services or infrastructure that are additional expenditures may be collected by a municipality. (10) Deletes a reference to "contracting" municipality. (11) Changes the time after completion of a water or sewer facility that an owner has to submit cost information to a municipality from 90 to 120 days. (12) Specifies that nothing in

the latecomer fee provisions is intended to create a private right of action for damages against a municipality for failing to comply with specified requirements. (13) Specifies that a municipality, its officials, employees, or agents may not be held liable for failure to collect a latecomer fee unless the failure was willful or intentional. (14) Specifies that failure of a municipality to comply with specific latecomer requirements does not relieve a municipality of any future requirement to comply with specified requirements.

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